

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-RWZ
)
THIS DOCUMENT RELATES TO:)
)
Tosha Andrews, A'or of the Estate of Sara D. Culp,)
a/k/a Sara D. Andrews, deceased v. Insight Health)
Corp. et al)
)
Case No. 1:14-cv-13509-RWZ)
)

ORDER OF PUBLICATION

Petitioner Tosha Andrews, Administrator of the Estate of Sara D. Culp, also known as Sara D. Andrews (“Estate”), deceased, by counsel, pursuant to Va. Code §§ 8.01-316 and 317, requests the Court’s entry of an Order of Publication in order to obtain service upon William Dale Andrews, Jr. (“Mr. Andrews”) for the purpose of conducting a court hearing at which the proceeds of a settlement of the Estate’s claim for the wrongful death of Sara Andrews will be allocated among the decedent’s statutory beneficiaries. After an extensive investigation with the assistance of a private investigator to identify and locate statutory beneficiaries of Sara Andrews’ Estate, a certain William Dale Andrews, Jr. was identified as a possible surviving child of the decedent, and therefore potentially a statutory beneficiary. Efforts to locate Mr. Andrews, or even confirm that he is alive and a statutory beneficiary of the Estate, have failed. Counsel for the petitioner has submitted an Affidavit for Order of Publication, in which counsel states under oath that diligence has been used without effect to ascertain Mr. Andrews’ address and location.

WHEREUPON, the Court finds that a substantial effort has been undertaken to locate Mr. Andrews and confirm that he is alive and a beneficiary of the Estate, without effect. The Court further finds that efforts to locate Mr. Andrews constitute due diligence within the meaning of Va. Code § 8.01-316.

THERFORE, the Court ORDERS the following:

a. That William Dale Andrews, Jr. take notice of his right to appear at this Court in person, or by telephone as provided in the Notice of Hearing attached to this Order, and to appear in person or by telephone if he wishes to be heard to protect his interests on

_____, 2017 at _____ a.m./p.m.

b. That this Order of Publication be published once a week for four successive weeks in the Roanoke Times newspaper located in the City of Roanoke, Commonwealth of Virginia.

c. That a copy of this Order be posted pursuant to Va. Code § 8.01-317 at the courthouses of this court and of the Circuit Court for the City of Roanoke, Commonwealth of Virginia.

d. That the Clerk of the Circuit Court of the City of Roanoke is requested to prepare a Certificate as set forth below to be filed with the papers in this action certifying that this Order of Publication has been sent to the Roanoke Times newspaper and also has been posted at the courthouse:

Clerk's Certification

I certify that a certified copy of this Order was posted at the courthouse and provided to the Roanoke Times on _____, 2017 for publication once each week for four successive weeks.

Date: _____, 2017

Clerk or Deputy Clerk

e. That the Clerk of this court is requested to prepare a Certificate as set forth below to be filed with the papers in this action certifying that this Order of Publication has been posted at the courthouse:

Clerk's Certification

I certify that a certified copy of this Order was posted at the courthouse.

Date: _____, 2017 _____
Clerk or Deputy Clerk

ENTER, this _____ day of July, 2017.

United States District Court Judge

I request entry of this order:

/s/Patrick T. Fennell
Patrick T. Fennell, VSB 40393
Crandall & Katt
366 Elm Avenue, S.W.
Roanoke, Virginia 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandallaw.com

Counsel for Tosha Andrews, Administrator
of the Estate of Sara Andrews, deceased.